

# ***Town Board Minutes***

November 17, 2003

Meeting No. 39

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17<sup>th</sup> day of November at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUT, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RONALD RUFFINO, COUNCIL MEMBER  
RICHARD ZARBO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
SUZANNE BLANK, CLERK TYPIST

## **PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments about communication #660 regarding Pleasant Meadow Subdivision
- Comments about letter from Supervisor to Department of Environmental Conservation regarding Windsor Ridge Subdivision buffer area

**Korcz, Richard**, 4946 William Street, spoke to the Town Board on the following matter:

- Concerns about water pressure increase resulting from the new Penora Street pump station. Claims that the water line has had two breaks on William Street and Aurora Street

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matters:

- Questions and comments about:
  1. Laws in Lancaster School System
  2. Audit of New York State Electric & Gas Corp charges to Town of Lancaster for electric charges
  3. Community Development Block Grant (CDBG) for Sewer District #2.
  4. Ranking of request for 2004-2005 CDBG

**Mazurowski, John**, 11 Stephens Court, spoke to the Town Board on the following matter:

- Inquired which officials attend New York State Association of Towns training session in New York City

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Comments about return of unexpended CDBG funds for the year 2002-2003 for improvements to Lancaster Sewer District #2

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
November 3, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 933 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Town Board for review, and

**WHEREAS**, the Building Inspector, by letter dated November 6, 2003 has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 933 Ransom Road, Lancaster, New York for the period January 1, 2004 to December 31, 2004 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Edward Haniszewski, d/b/a Ed Henning Inc., 911 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 911 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Town Board for review, and

**WHEREAS**, the Building Inspector, by letter dated November 6, 2003, has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Edward Haniszewski, d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 911 Ransom Road, Lancaster, New York for the period January 1, 2004 to December 31, 2004 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the New York State Public Service Commission instituted formal proceedings to consider the past billings and other issues, claims or disputes in connection with the rendition of street lighting services by New York State Electric & Gas Corporation (“NYSEG”), and

**WHEREAS**, the Town of Lancaster intervened in such proceedings, and

**WHEREAS**, the Town of Lancaster engaged Computel Consultants (“Computel”) to represent the Town of Lancaster in such proceedings and negotiate on its behalf in regard to all issues, claims or disputes pertaining to street lighting services rendered by NYSEG to the Town of Lancaster, including, but not limited to, its past NYSEG street lighting bills, and

**WHEREAS**, negotiations between NYSEG and Computel have resulted in a settlement and release agreement between NYSEG and the Town of Lancaster, and

**WHEREAS**, Computel has recommended the acceptance of such settlement and release agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster is authorized and directed to execute a settlement and release agreement with and to deliver the same to NYSEG. The settlement and release agreement is an accord and satisfaction for all issues, claims or disputes pertaining to street lighting services rendered by NYSEG to the Town of Lancaster for the period set forth in the settlement and release agreement.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster applied for and received funding from the Community Development Block Grant Funding Program for Program Year 2002-2003 in the amount of \$90,000 for “Improvements to Lancaster Sewer District No. 2”, and

**WHEREAS**, because of the lack of applicants and participation of qualified individuals in the program, it is necessary to relinquish the unexpended Federal Community Development Funds in the amount of \$55,418.10 to the Community Development Consortium of Erie County.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Lancaster Town Board of the Town of Lancaster hereby authorizes the return of unexpended Federal Community Development funds in the amount of \$55,418.10 to the Community Development Consortium, due to the fact that the above-described project has been completed and Job No. C617-02-22, Improvements to Lancaster Sewer District No. 2, will be closed out.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter dated November 9, 2003 has requested the addition of two (2) Probationary Active Members and two (2) Probationary Limited Active Members to the membership roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

**ADDITIONS - Probationary Active Members:**

Anthony Suchyna	Nicholas Wydro
55 Heritage Drive	5 Hill Valley Drive
Lancaster, New York 14086	Lancaster, New York 14086

**ADDITIONS - Probationary Limited Active Members:**

Gregory Kozerski	Joshua Pokorski
10 Lucia Court	703 Pleasant View Drive
Lancaster, New York 14086	Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES

COUNCIL MEMBER ZARBO  
SUPERVISOR GIZA

WAS ABSENT  
VOTED YES

November 17, 2003



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTGOMERY, TO WIT:

**WHEREAS, CARQUEST AUTO PARTS**, 2635 E. Millbrook Road, Raleigh, North Carolina 27604 has submitted a Site Plan, dated August 4, 2003 and received August 5, 2003, prepared by William Schutt and Associates, P.C. for the construction of a 129,000 square foot distribution warehouse and office space on approximately 7.4 acres +/- including necessary site drives, utilities and all other necessary appurtenances on property located at the Eastport Commerce Center, on formerly identified building sites C and F, Walden Avenue west of Pavement Road in the Town of Lancaster, and

**WHEREAS**, at its meeting August 20, 2003 the Planning Board recommended approval of this project, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **CARQUEST AUTO PARTS**, prepared by William Schutt and Associates, P.C. dated August 4, 2003 and received August 5, 2003 for the construction of a 129,000 square foot distribution warehouse and office space on approximately 7.4 acres +/- including necessary site drives, utilities and all other necessary appurtenances on property located at the Eastport Commerce Center, on formerly identified building sites C and F, Walden Avenue west of Pavement Road in the Town of Lancaster contingent on the following conditions:

- Approval from New York State Department of Transportation for additional access point to Walden Avenue otherwise revise the plan to eliminate this access point and utilize the internal roads which service Eastport Commerce Center
- Road connectivity with Eastport Commerce Center
- Sidewalk connectivity with retail center to the east and with any future construction to the west
- Landscaping plan to be approved by Crew Chief Terrence McCracken
- Lighting plan to be approved by Town Building Inspector
- Compactors to be appropriately screened
- Approval by the USACOE for offsite mitigation involving a wetland ditch on the property, such mitigation involving the improvement of a wetland area in the Town of Lancaster Westwood Park under the guidance of the USACOE

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

File: rspecarquesteastportcommerce1103

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has considered and reviewed the 2004 budget estimates and assessment roll for Special Districts spreading the costs on a benefit basis, and

**WHEREAS**, a public hearing on said 2004 Special District Budget estimates and assessment roll was held by the Town Board of the Town of Lancaster on November 3, 2003.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the 2004 budget estimates and assessment roll for Special Districts, spreading costs on a benefit basis, as filed with the Town Clerk on September 15, 2003 and as amended and revised as hereinafter set forth in Schedule B, be and is hereby adopted as the Final 2004 Budget for Special Districts for the Town of Lancaster for the fiscal year beginning on January 1, 2004 and ending December 31, 2004, and that such Budget, as adopted, be entered in detail in the minutes of the proceedings of this Town Board:

	APPROPRIATIONS	ESTIMATED REVENUES	APPROPRIATED FUND BALANCE	APPROPRIATED DEBT SERVICE RESERVE	AMOUNT TO BE RAISED BY TAXATION
Refuse District	\$1,807,466	61,000	-----	-----	1,746,466
Lighting Districts	255,214	3,000	35,000	-----	217,214
Fire Protection District	2,646,915	36,500	-----	-----	2,610,415
Sewer Districts	199,274	-----	-----	-----	199,274
Water Districts	<u>255,196</u>	<u>4,300</u>	<u>30,000</u>	<u>30,000</u>	<u>190,896</u>
Totals	<b>5,164,065</b>	<b>104,800</b>	<b>65,000</b>	<b>30,000</b>	<b>4,964,265</b>

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

File: RBUDGETS(9)

## **SCHEDULE B**

No Amendments or Revisions

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR, TO WIT:

**WHEREAS,** the Town Board of the Town of Lancaster has reviewed the 2004 Preliminary Town Budget, and

**WHEREAS,** Public Hearings on said 2004 Preliminary Town Budget were held by the Town Board of the Town of Lancaster on November 3, 2003.

**NOW, THEREFORE, BE IT  
RESOLVED,** as follows:

**Section 1.** That the 2004 Preliminary Budget, as amended and revised as hereinafter set forth in Schedule A, is hereby adopted as the 2004 Final Budget of the Town of Lancaster for the fiscal year beginning on January 1, 2004 and ending December 31, 2004, and that such Budget, as adopted, be entered in detail in the minutes of the proceedings of this Town Board:

	APPROPRIATIONS	ESTIMATED REVENUES	APPROPRIATED FUND BALANCE	APPROPRIATED DEBT SERVICE RESERVE	AMOUNT TO BE RAISED BY TAXATION
General Fund -Townwide	\$6,616,065	1,837,269	480,000	25,000	\$4,273,796
General Fund - Town Outside Villages	675,594	574,500	101,094	-----	
Police Fund	6,029,697	2,417,168	-----	-----	3,612,529
Highway Fund -Townwide	41,491	1,750	9,000	-----	30,741
Highway Fund - Town Outside Villages	2,561,899	1,499,100	280,000	1,500	781,299
Misc. Special Revenue- Tree Planting Fee	50,000	40,250	9,750	-----	-----
Misc. Special Revenue- Public Safety Fee	22,000	-----	22,000	-----	-----
Misc. Special Revenue- Recreation Filing Fee	315,000	139,500	175,500	-----	-----
Misc. Special Revenue- Memorial Garden Fund	2,000	500	1,500	-----	-----
<b>Totals</b>	<u>16,313,746</u>	<u>6,510,037</u>	<u>1,078,844</u>	<u>26,500</u>	<u>8,698,365</u>

Delinquent Water Bills - Erie County Water Authority	2,517.47
Grass Cutting Charges	695.00
Pipe Installation	<u>136.66</u>
Grand Total	8,701,714.13

## **SCHEDULE A**

No Amendments or Revisions

**Section 2.** That the Town Clerk of the Town of Lancaster prepare and certify in duplicate copies of said Annual 2004 Budget, as adopted by the Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202-A of the Town Law and deliver one (1) copy thereof to the Supervisor.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

File: Rbudgets (P7)

**TOWN OF LANCASTER**

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**NOTICE OF ADOPTION OF**

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**2004 BUDGET OF THE**

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**TOWN OF LANCASTER**

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**NOTICE TO THE CITIZENS OF THE TOWN OF LANCASTER**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Lancaster has adopted the 2004 Budget of the Town of Lancaster, which includes a summary of the entire proposed 2004 Budget of the Town of Lancaster, and that said Budget is on file with the Town Clerk, 21 Central Avenue, Lancaster, New York, and available for public inspection from 9:00 A.M. to 5:00 P.M., on Monday through Friday.

TOWN OF LANCASTER

JOHANNA M. COLEMAN  
Town Clerk

November 17, 2003

File: RBUDGETS (P8)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 5295 to Claim No. 5804 Inclusive

Total amount hereby authorized to be paid: \$366,806.92

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

File: Rclams

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTGOMERY, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived  
for this permit.

**(CSW)** = Conditional sidewalk waiver.

**(V/L)** = Village of Lancaster

**NEW PERMITS:**

11345	Forbes Homes Inc	12 Heathrow Ct	Er. Dwlg.-Sin.	
11346	Keil, Robert	41 Taft Ave	Er. Fireplace	
11347	Fox, Douglas	40 Quail Run Ln	Er. Shed	
11348	Excel Fence Inc	170 Iroquois Ave	Er. Fence	
11349	Forbes Homes Inc	5 Chestnut Corner	Er. Dwlg.-Sin.	
11350	Duro-Shed Inc	10 Fox Trace	Er. Shed	
11351 SW	Blasjscczak, Jeff	1343 Ransom Rd	Er. Dwlg.-Sin.	
11352	Randaccio Bldrs Inc	16 Heathrow Ct	Er. Dwlg.-Sin.	
11353	Forestream Village Inc	4725 Transit Rd	Er. Sign-Temp	
11354	Huber, Donald	50 E Drullard Ave	Er. Shed	(V/L)
11355	Knospe, Christopher	34 Squirrel Run	Er. Shed	
11356	Iroquois Fence Inc	3 Sugar Mill Ct	Er. Fence	
11357	Wienckowski Bldrs	167 Seneca Pl	Er. Res. Add.	
11358	Colley's Pool Sales Inc	32 Schiffler Ct	Er. Fence	
11359	Colley's Pool Sales Inc	32 Schiffler Ct	Er. Pool-In Grnd	
11360	Iroquois Fence Co	3 Partridge Walk	Er. Fence	
11361	Forbes Homes Inc	4 Chestnut Corner	Er. Dwlg.-Sin.	
11362	Transit-Rehm Assoc.	6363 Transit Rd	Er. Sign-Temp	
11363	Kandefer Plumbing	14 Waltham Ave	Inst. Res. Plumbing	(V/L)
11364	Loecher, Martin & John	27 Aurora St	Er. Comm. Add.	( V / L )

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk  
waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for  
sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for  
conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance  
required for sidewalks, however, the waiver is granted upon the expressed condition that the Town  
of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of  
the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

File: Rbldg2

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Montour, on voice vote, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, it is in the public interest of the Town of Lancaster to complete and file its Community Development Project Description Forms for community development funding for the year 2004-2005 and,

**WHEREAS**, a public hearing was held by the Town Board of the Town of Lancaster on September 15, 2003 to elicit from the public comments relative to the use of 2004-2005 Community Development Block Grant funds, and

**WHEREAS**, by resolution dated October 20, 2003, the Town Board of the Town of Lancaster authorized and directed the Supervisor to execute and file the required 2004-2005 Community Development Project Description Application Forms for approval and execution of a contract with the Erie County Community Development Block Grant Program for installation of sidewalks on the south side of William Street, and

**WHEREAS**, the Village of Depew has requested support in their application for Community Development Block Grant funding;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor be and is hereby authorized and directed to execute and file the required 2004-2005 Community Development Project Description Application Forms for the year 2004-2005 for approval and execution of contract with the Erie County Community Development Block Grant Program, as follows:

1. Sidewalks on the South Side of William (Town of Lancaster)
2. Main Street Sidewalk Reconstruction (Village of Depew)
3. Main Street Sanitary Sewer System Refurbishing Project

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 17, 2003

File: rdbgcospnsrdepew1103

## **COMMUNICATIONS & REPORTS:**

- 632. Highway Superintendent to Town Board -  
Transmittal of 2003 Annual Inventory Report. DISPOSITION = Received & Filed
- 633. Town Clerk to Town Board -  
Transmittal of application for Ed Henning Inc. to operate a salvage yard. DISPOSITION = Resolution 11/17/03
- 634. Supervisor to Certain Homeowners -  
Notification of tree removal by Town along Ellicott Creek. DISPOSITION = Received & Filed
- 635. Safety Coordinator to Town Board -  
Minutes of Safety Steering Committee meeting held October 15, 2003.  
DISPOSITION = Received & Filed
- 636. Town Clerk to Town Board -  
Transmittal of application for Advantage Trucks & Salvage Inc. to operate a salvage yard.  
DISPOSITION = Resolution 11/17/03
- 637. NYS DEC to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding Parkhaven  
Patio Homes, Bowen Road; comments noted. DISPOSITION = Planning Committee
- 638. Supervisor to Regional Director, NYS DEC -  
Letter regarding the extension of flood plain boundaries in Windsor Ridge Subdivision.  
DISPOSITION = Received & Filed
- 639. National Fuel to Town Board -  
Notice of relocation of National Fuel Departments. DISPOSITION = Received & Filed
- 640. Commissioner, NYS Dept. of Motor Vehicles to All County & Municipal Governments -  
Notice of compliance requirement of the Americans with Disabilities Act (ADA).  
DISPOSITION = Town Attorney
- 641. Association of Erie County Governments to Town Board -  
Notice of meeting to be held November 20, 2003 at 6:30 PM. DISPOSITION = Received  
& Filed
- 642. Computel Consultants to Supervisor -  
Notice of agreement regarding NYSEG street light billing disputes.  
DISPOSITION = Resolution 11/17/03
- 643. Building Inspector to Town Board -  
Letter concerning Special Use Permit issued to Joseph Brainard, 5454 Genesee Street.  
DISPOSITION = Planning Committee
- 644. Town Clerk to Town Board -  
Transmittal of application for Ransom Auto Parts to operate a salvage yard.  
DISPOSITION = Resolution 11/17/03
- 645. Town Clerk to Town Board -  
Transmittal of application for J. Renkas & Sons Inc. d/b/a AJ's Auto Wrecking to operate  
a salvage yard. DISPOSITION = Resolution 11/17/03
- 646. Town Clerk to Town Board -  
Transmittal of monthly report for November 2003. DISPOSITION = Received & Filed

647. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Town Attorney, Building Inspector -  
Draft copy of Planning Board minutes of meeting held November 5, 2003.  
DISPOSITION = Received & Filed
648. Planning Board to Town Board -  
Recommend approval of Sketch Plan of Parkhaven, west side of Bowen Road across from Bell Tower with conditions. DISPOSITION = Planning Committee
649. Planning Board to Town Board -  
Recommend approval of Site Plan of Epic Recreational Center Addition with conditions.  
DISPOSITION = Planning Committee
650. Planning Board to Town Board -  
Recommend approval of 5' standard for sidewalks. DISPOSITION = Planning Committee
651. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -  
Notice of SEQR Review meeting November 17, 2003 at 6:30 PM to review wetland mitigation for Westwood Park . DISPOSITION = Received & Filed
652. Town Clerk to Various News Media -  
Notice to media of SEQR meeting, November 17, 2003 at 6:30 PM to review wetland mitigation for Westwood Park. DISPOSITION = Received & Filed
653. Tim Szmolke to Supervisor & Town Board -  
Comments and concerns regarding proposed Kohl's Department Store, Transit Road.  
DISPOSITION = Planning Committee
654. Arts Council to County Funded Cultural Organizations -  
Notice of budget hearing on November 17, 2003 at 12:00 P.M. regarding County funding.  
DISPOSITION = Received & Filed
655. Town of Amherst Planning Department to Town Board -  
Notice of completion and acceptance of the Final Generic Environmental Impact Statement (FGEIS) for the Town of Amherst Bicentennial Comprehensive Plan.  
DISPOSITION = Received & Filed
656. NYS Assembly Majority Leader Paul A. Tokasz to Supervisor -  
Notice of legislative approval of state funding request for the Town. DISPOSITION = Received & Filed
657. NYS Office of Real Property Services to Erie County Director, Real Property Tax Services -  
Letter advising status of activities of Real Property Services in Erie County.  
DISPOSITION = Received & Filed
658. NYS DOT to Uniland Development Company -  
Transmittal regarding Carquest Distribution Center allowing additional curb cut on Walden Avenue with conditions. DISPOSITION = Planning Committee
659. NYS DEC to Environmental Audits Inc. -  
Letter of response regarding FOIL request for environmental concerns for the Hull Estate, 5976 Genesee Street. DISPOSITION = Planning Committee
660. NYS DEC to Pratt & Huth Associates, LLP -  
Comments regarding the Draft Supplemental Environmental Impact Statement for proposed Pleasant Meadow subdivision. DISPOSITION = Planning Committee
661. NYS DEC to Town Attorney -  
Comments and concerns regarding proposed Whispering Pines Subdivision, Aurora Street. DISPOSITION = Planning Committee

662. Erie County Dept. of Environment & Planning to Town Attorney -  
Acknowledge receipt and agreement to traffic impact analysis for proposed Kohl’s  
Department Store, Transit Road. DISPOSITION = Planning Committee

663. NYS DEC to Town Attorney -  
Acknowledge receipt of traffic impact analysis for proposed Kohl’s Department Store,  
Transit Road. DISPOSITION = Planning Committee

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED BY COUNCIL  
MEMBER STEMPNIAK, on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 8:45 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk